

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

MEXICAN AMERICAN LEGISLATIVE
CAUCUS, TEXAS HOUSE OF
REPRESENTATIVES,

Plaintiffs

V.

STATE OF TEXAS, GREG ABBOTT,
GOVERNOR OF THE
STATE OF TEXAS, in his official capacity,
and JOHN SCOTT,
SECRETARY OF STATE OF TEXAS, in his
official capacity

Defendants

[illegible]

Civil Action

Case No. 21-cv-259-DCG-JES-JVB
[Lead Case]

& all Consolidated Cases

PLAINTIFF MALC'S AGREED MOTION FOR EXTENSION OF TIME

Plaintiff Mexican American Legislative Caucus (“MALC”), on behalf of the Private Plaintiffs, files this Agreed Motion for Extension of Time related to the existing deadline to file motions to compel concerning legislator transcripts and any privilege assertions.

1. On May 18, 2022, the Court entered its order setting forth the procedure for how depositions of legislators that seek to assert legislative privilege would proceed. The order required the parties to object to privilege, the witness to answer subject to the privilege, and afforded the parties an opportunity to challenge the assertions by filing a motion to compel on or before August 1, 2022. *See* Order on May 18, 2022, ECF No. 282.

2. The parties have been diligently conducting depositions through the discovery cutoff period and beyond by agreement. There are a number of depositions taken on or before July 15, 2022 and the parties are in the process of still both gathering the transcripts and assessing the need to challenge assertions of privilege. In addition, there are still a number of depositions ongoing or scheduled to be taken in which a motion to compel may be necessary to challenge assertions of privilege.

3. Accordingly, the parties have agreed to a brief extension of time for the August 1st motion to compel deadline as follows:

a. For any deposition taken on or before July 18, 2022, the motion to compel deadline set forth in the May 18th Order is extended to August 8, 2022;

b. For any deposition taken after July 18, 2022, the motion to compel deadline is extended to August 8, 2022 or for one week after the deposition is taken, whichever is later;

c. The parties also agree that the party resisting the motion to compel may respond within a week of the filing of the motion to compel;

d. The parties agree that to the extent a transcript cannot be ordered and obtained within these windows, the parties will work in good faith to agree to an appropriate filing date on a case-by-case basis.

4. The United States concurs in the relief requested and the agreement and will be subject to the Court's order extending the deadlines.

5. The motion is not presented for purposes of delay and will not prejudice any party to this litigation.

Dated: July 28, 2022.

Respectfully submitted,

SOMMERMAN, MCCAFFITY,
QUESADA & GEISLER, L.L.P.

/s/ Sean J. McCaffity

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Agreed Motion to was filed and served via CM/ECF electronic service on July 28, 2022 to all counsel of record.

/s/ Sean J. McCaffity

CERTIFICATE OF CONFERENCE

The undersigned certifies that the foregoing Agreed Motion was discussed with counsel for the State Defendants, the United States of America, as well as counsel for the objecting individual legislators, including specifically Taylor Meehan and Frank Chang. The motion is agreed by all parties and the United States concurs in the requested relief and motion.

/s/ Sean J. McCaffit
